

AO 91 (Rev. 11/11) Criminal Complaint

**UNITED STATES DISTRICT COURT**  
for the  
District of New Mexico



United States of America  
v.  
James RAMIREZ

Case No. **21 MJ 1242**

\_\_\_\_\_  
*Defendant(s)*

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 19, 2021 in the county of Bernalillo in the  
\_\_\_\_\_  
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 922(g)(1)	Felon in Possession of a Firearm and Ammunition

This criminal complaint is based on these facts:

See the attached affidavit of ATF Special Agent Brenton Hutson, which is incorporated by reference

☒ Continued on the attached sheet.

  
 \_\_\_\_\_  
 Complainant's signature  
 Brenton Hutson, ATF Special Agent  
 \_\_\_\_\_  
 Printed name and title

Telephonically sworn and electronically submitted.

Date: August 20, 2021

City and state: Albuquerque, New Mexico

  
 \_\_\_\_\_  
 Judge's signature  
 Hon. Laura Fashing, U.S. Magistrate Judge  
 \_\_\_\_\_  
 Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Brenton Hutson, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since January 2020. I am a United States Marine Corps Veteran, to include one combat deployment, and am also a graduate of the University of Colorado, holding a Bachelor's Degree in Nonprofit Management and a Master's Degree in Public Administration. I previously worked in the field of human services for approximately seven years, managing programs designed to assist individuals struggling with homelessness, severe mental illness, and substance use disorders. I have also attended and graduated from the Federal Law Enforcement Training Center and the ATF National Academy.

2. I have training and experience investigating violations of federal law. As a result of my training and experience as an ATF Special Agent, I submit this affidavit charging James RAMIREZ with a violation of Title 18, United States Code, Sections 922(g)(1) and 924, that being a felon in possession of a firearm and ammunition

3. I am familiar with the information contained in this Affidavit based upon the investigation that I have conducted, on my conversations with other law enforcement officers or industry operations investigators who have engaged in various aspects of this investigation, and based upon my review of reports written by other law enforcement officers involved in this investigation. Because this Affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are relevant to determination of probable cause to support the issuance of the requested warrant. When the statements of others are set forth in this Affidavit, they are set forth in substance and in part.

**SUMMARY OF PROBABLE CAUSE**

**Aggravated Battery and Injury of Albuquerque Police Department Officers**

4. On August 19, 2021, I communicated with Detective Michael Davis of the Albuquerque Police Department (APD) regarding details of an officer-involved shooting that resulted in the injury of four Albuquerque Police Department (APD) Officers. Based upon his investigation, Detective Davis relayed details of the incident to me in written form.

5. On August 19, 2021, a victim whose identity is known to me reported an armed robbery having been committed by two male subjects, one described in sum and substance as a large individual (later identified as James RAMIREZ), and the other as a smaller, skinny individual, in the area of Western Skies and Central Avenue Southeast in Albuquerque, New Mexico. During this encounter, one of the subjects was reported to have pulled out a Glock-style pistol and pointed it at the victim's head, demanding that the victim give the subject his backpack. The victim did not give permission for the subjects to take his belongings, but they nevertheless did.

6. At approximately 8:38 AM on that same date, the victim observed the two male subjects walking with his backpack and called 911. The victim described the offenders as a Hispanic, bigger male subject with gray cargo pants, white shirt, and some facial hair, and the second offender was Hispanic, shorter, skinny, wearing black pants, and a black sweatshirt over a white T-shirt. APD Officers made contact with the aforementioned subjects and were fired upon by RAMIREZ. APD officers returned fire. Detective Davis reported to me he had observed on-body recordings of the incident, and observed the officers being shot and bleeding from their injuries. Based upon this observation, it is reasonable to believe that the firearm used to shoot the responding APD officers functioned as designed, and meets the legal definition of a firearm.

7. Eventually, RAMIREZ was struck by fire returned from APD officers, fell to the ground, and subsequently taken into custody. The pistol used by RAMIREZ was located next to him.

8. RAMIREZ was identified by one of the wounded officers, S.K., as the individual who shot him and his fellow officers. Detective Davis relayed that RAMIREZ was identified via fingerprints and identification found in his pockets. The other, smaller, skinny offender was not observed by officers to have been armed, and has not been located or identified at this time. A wallet found in the possession of RAMIREZ at the hospital was found to have identification and a credit card that belonged to the original robbery victim.

#### **Criminal History of RAMIREZ**

9. I conducted a criminal history check for RAMIREZ and identified RAMIREZ had been previously convicted of the following felony:

- a. Arrest Date: July 5, 2014
- b. Court Case: BA426891
- c. Jurisdiction: Superior Court of California, County of Los Angeles
- d. Burglary: First Degree (Felony)
- e. Disposition: Nolo Contendre (Guilty/Convicted)

10. I observed additional charges that may or may not have resulted in convictions, but could not be immediately confirmed. Additional research will be conducted in order to determine the complete criminal history of RAMIREZ.


#### **Interstate Nexus of Firearm**

11. SA Derek Wright, an ATF Certified Interstate Nexus Expert, examined photographs of the Glock 17 9x19mm pistol found next to RAMIREZ in the parking lot (SN: KVK121). Based upon his initial examination of the listed firearm, SA Wright reached a preliminary conclusion that the firearm was not manufactured in the state of New Mexico and thus had to travel in interstate commerce in order to arrive in New Mexico. Based on training and experience, I know that Glock 17 9x19mm pistols are typically designed to function as firearms as defined by federal law.

**CONCLUSION**

12. Based on the foregoing facts, I submit there is probable cause to believe **James RAMIREZ** has committed violations of Title 18, United States Code, Sections 922(g)(1) and 924 – that being a felon in possession of a firearm.

Respectfully submitted,



Brenton M. Hutson, Special Agent  
Bureau of Alcohol, Tobacco, Firearms and  
Explosives

Electronically submitted and telephonically sworn, this 20th day of August, 2021



The Honorable Laura Fashing  
United States Magistrate Judge